

## **REMARKS**

By this amendment, claims 27-37 are canceled; claims 1 and 9 are amended; and claim 38 is added. The present Examiner objected to these claims as substantial duplicates of claims in the Application. The previous Examiner had not seen the hand of man in the nucleic acids and host cells of the corresponding claims. Applicant agrees with the present Examiner that the hand of man is apparent. Support for claim 38 can be found in the specification as filed for example at page 8, lines 17 and 18. Support for amended claim 1 can be found *inter alia* at page 1, 7 lines from bottom. Claim 9 is amended to correct a typographic error. Claims 1, 6-12 and 38 are pending. Applicant respectfully submits that no issue of new matter arises.

### **Examiner Interview Summary**

Applicant expresses his gratitude for the courtesies extended to their representative in conducting the November 17, 2008 telephonic interview. The substance of the interview is incorporated in the following remarks.

### **Claim objections**

The Office Action objected to claims 27-37 as being substantial duplicates. These claims were introduced to emphasize the hand of man in the claimed invention. Since these claims are now objected to by the present Examiner, the issue regarding the hand of man has been obviated. Accordingly, claims 27-37 are canceled. Reconsideration and withdrawal of this objection are respectfully requested.

### **Claim Rejections**

Applicant gratefully acknowledges that only rejections under 35 USC §112 (and one provisional rejection) remain to be overcome.

**1) Rejections under 35 U.S.C. §112, first paragraph**

Claims 1, 6-12 and 27-37 were rejected under 35 U.S.C. §112, first paragraph as allegedly failing to meet written description and enablement requirements. Claims 27-37 are canceled as described above. With respect to claims 1 and 6-12 Applicant respectfully traverses these rejections.

***Written Description***

Claims 1, 6-12 and 27-37 were rejected under 35 U.S.C. §112, first paragraph as allegedly failing to provide adequate written description. The phrase “hirudin variants” was objected to. Claim 1 as amended above does not recite “hirudin variants”. Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 6-12 and 38 ultimately depend from claim 1 and thus claim inventions that further limit the invention properly claimed in claim 1. Accordingly, reconsideration and withdrawal of this rejection of all claims are respectfully requested.

***Enablement***

The Office Action at page 5, lines 1 and 2, withdraws a written description rejection and replaces it with an enablement rejection. In the November 17, 2008 interview, the Examiner clarified that the rejection was indeed an enablement rejection. Applicant respectfully observes that despite the box checked by the Examiner that agreement was not reached with respect to the claims, Applicant and the Examiner did agree that the previous enablement rejection of pending claims was withdrawn and that a new enablement rejection was now of record.

The claims were rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement with respect to hirudin variants. See page 5, second paragraph. Claim 1 is amended and no longer recites hirudin variants.

The claims were rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement with respect to T. The Office Action indicated that T as a terminator sequence was enabled. See page 5, second paragraph. Claim 1 is amended to recite T as a terminator sequence. Support for this amendment can be found *inter alia* at page 14, line 15. No issue of new

Claims 6-12 and 27-29 ultimately depend from claim 1 and thus claim inventions that further limit the invention claimed in claim 1. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

## **2) Rejection under 35 U.S.C. §112, second paragraph**

### ***Indefiniteness***

The claims were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite.  $Z_1$  and  $Z_2$  as a “second  $Z_1Z_2$ ” were specifically mentioned as being indefinite. Claim 1 is amended above to obviate this rejection. The “second  $Z_1Z_2$ ” is no longer recited. Reconsideration and withdrawal of this rejection are respectfully requested. The rejection is properly withdrawn from the dependent claims as  $Z_1$  and  $Z_2$  are not recited specifically in claims other than claim 1.

## **3) Provisional Double Patenting Rejections**

Claim 1 was provisionally rejected under a judicially created concept of double patenting. The present claims have not been acknowledged as allowable and thus might still be amended to a form where a double patenting rejection would not be proper. Accordingly, Applicant respectfully thanks the Examiner for indication of a provisional rejection. When the only rejection remaining is provisional Applicant will then take appropriate action which may include a Terminal Disclaimer.

## **Conclusion**

In view of the above amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of all pending rejections. Applicant respectfully submits that the application is now in condition for allowance and request prompt issuance of a Notice of Allowance. Should the Examiner believe that anything further is desirable that might put the application in even better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

**Fees**

No fees are believed to be necessitated by the instant response. However, should this be in error, authorization is hereby given to charge Deposit Account no. 18-1982 for any underpayment, or to credit any overpayments.

Respectfully submitted,



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